

REMARKS

Claims 8 – 15 remain in the application and applicants request entry of this amendment to provide greater clarity to claim 8 and place the application in better condition for allowance. Specifically, it is noted that with the provision of second secure switch (line 14 of the claim) per the prior amendment, reference to the original secure switch in line 11 of the claim (as a first secure switch) should be similarly referenced as a the first secure switch in lines 23 and 25. It is submitted that the basis for this correction is apparent because, prior to the earlier amendment, both occurrences referred to the same secure switch. With the later incorporation of a second secure switch, the original occurrences (secure switch) should each be consistently referred to as a first secure switch.

The previous amendment was filed in response to rejection of claims 8-13 under Section 103 over Chen (U.S. 2003/0200321) in view of Weinstein (U.S. 2002/0191572). Applicants requested allowance of the claims in view of those substantive amendments and, in part, because of an apparent misunderstanding: by the Examiner that the Chen reference was construed as being directed to an “automation network” (see page 3 of the office action) while neither the cited passages (par. 22) nor Fig. 1 disclose such. In fact, par 22 merely refers to automation of a configuration.

The final Office Communication has not been responsive to this deficiency in spite of the fact that MPEP 707.07(f) provides that the Examiner is to answer the substance of applicant’s arguments.

. Further, with support for such clearly provided in the specification, the second subnetwork of the automation network of claim 8 includes process devices such as an automation device, a measurement transducer, an operating and monitoring device and a programming device. The rejection seems to interchange (without consistency) a LAN 101 and a LAN 197 in Fig 1 of Chen but neither of these include components which constitute an automation network. Specifically, the rejection initially reads a recited “programming device” on a pc 104 or a UNIX variant 106, but also refers to the network in which these components are placed as the “first subnetwork” of claim 8. Each of the components 104 and 106 cannot be in two different subnetworks at the same time. Furthermore, the rejection states (see page 3) that Chen discloses the second network comprising a second secure switch connected upstream of at least one process device not capable of producing a

tunnel end point. Applicants inquire of the Examiner: "Which process device is this feature being read upon?" Having read the recited "programming device" of claim 8 upon a PC 104 and a UNIX variant 106, it does not seem that these same components can be used in reference to the recited "point-to-point connection ... made between the first subscriber of the first subnetwork and the **at least one process device not capable of producing a tunnel end point in the second subnetwork ...**" because PC 104 and a UNIX variant 106 do not appear to satisfy the requirement of not being **capable of producing a tunnel end point in the second subnetwork**. Moreover, as already noted, the rejection appears to place these components in the first subnetwork.

The Examiner is reminded that claim 8 expressly requires that the tunnel has

"two end points, the first end point being in the first secure switch and the second end point being in the second secure switch ..."

but in order to read this feature on the prior art, it is incumbent upon the Examiner to consistently identify the "point-to-point connection ... made between the first subscriber of the first subnetwork and the at least one process device not capable of producing a tunnel end point in the second subnetwork ..."

The rejection of claim 8 is again based on an assumption of interchangeability of the claimed secure switches and the disclosure of Weinstein. It requested that the Examiner clarify his position with regard to the claimed two secure switches, one in each of two subnetworks of an automation network. Is the Examiner basing this conclusion on anything more than a determination that one of the networks disclosed in the Chen reference includes a firewall? Applicants inquire as to all features the Examiner identifies in the Chen reference that comport with the second secure switch.

Claim 13, directed to a secure-switch, requires that first and second tunnel endpoints of claim 13 define a tunnel configured to securely transmit data via an insecure network. Furthermore, the secure channel converter is configured to allocate the tunnel to the first subscriber or the plurality of first subscribers using a subscriber address of the first subscriber or the plurality of first subscribers, thereby effecting, in combination with the second secure switch, a point-to-point connection between at least the first subscriber and

the second subscriber. The Examiner is requested to clarify how reads this subject matter on the prior art combination.

Claim 15 was rejected under Section 103 over Chen in view of Weinstein and in further view of Aultman (US 2005/0021869). With respect to claim 15, applicants request that the Examiner address the requirement calling for a secure port and a plurality of non-secure ports. It is submitted that the reference to par [0072] of Aultman does not consistently provide the switch of claim 13 further including "a plurality of non-secure ports, and a switch matrix, with the secure channel converter positioned between the secure port and the switch matrix and with the switch matrix positioned between the secure channel converter and the non-secure ports ..." The Examiner is requested to expressly explain how he intends to read the claimed subject matter on the references to demonstrate obviousness.

Conclusion

For all of the above reasons it is urged that the independent claims define allowable subject matter and at least dependent claim 15 further distinguishes over the prior art. Allowance of the application is requested. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: Janet D. Hood  
Janet D. Hood  
Registration No. 61,142  
(407) 736-4234

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830